



O.A.Nos.541, 542 & 543 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

O.A.Nos.541, 542 & 543 of 2024

in

C.S.(Comm Div) No.139 of 2024

Lion Dates Impex Private Limited
No.40, Sterling Road, Nungambakkam,
Chennai 600 034, represented by its
Managing Director Ms.P.Anitha

... Applicant

Vs

M/s.Asif Traders
17A, Syed Salley Lane,
Kolkata 700 007, West Bengal.

... Respondent

For Applicant:

Mr.Pushkar Ravishankar

For Respondent:

Mr.B.Ezhil

ORDER

Learned counsel for the applicant/plaintiff is ready to argue the interlocutory applications. However, learned counsel for respondent/defendant seeks further time to argue the matter.



O.A.Nos.541, 542 & 543 of 2024

2. These applications have been filed in August 2024 and this

Court had granted an order of interim injunction in favour of the applicant/plaintiff on 25.11.2024 after observing that the applicant/plaintiff has made out a *prima facie* case and balance of convenience and irreparable hardship, has also been established. On a *prima facie* consideration, this Court in its order dated 25.11.2024, has observed various similarities between the applicant/plaintiff's trademark and defendant's trademark and their dress. The applicant is having trade mark registration from 2013 onwards. Only after giving due consideration for all the aforementioned facts, this Court had granted an order of interim injunction in favour of the applicant/plaintiff in these applications.

3. This order has to be read in conjunction with the earlier order dated 25.11.2024. Since the learned counsel for respondent/defendant is seeking an adjournment, necessarily the interim injunction granted by this Court on 25.11.2024 has to be made absolute and these applications will have to be allowed as prayed for without prejudice to the rights and contentions of the respondent/defendant to raise all objections in the main



O.A.Nos.541, 542 & 543 of 2024

WEB COPY
suit. Being a commercial suit, the question of keeping the interlocutory applications pending for a long period of time will defeat the object of the Commercial Courts Act.

For the foregoing reasons, the interim injunction granted by this Court on 25.11.2024 passed in O.A.Nos.541, 542 & 543 of 2024 in C.S.(Comm Div) No.139 of 2024 is made absolute and the said applications are allowed as prayed for without prejudice to the rights and contentions of the respondent/defendant in the main suit to raise all objections in the main suit.

16-12-2024



WEB COPY



O.A.Nos.541, 542 & 543 of 2024

ABDUL QUDDHOSE, J

gm

O.A.Nos.541, 542 & 543 of 2024
in
C.S.(Comm Div) No.139 of 2024

16.12.2024

(1/3)